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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/106,841 06/30/98 NICHOL

J

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PM32/0318

AIR MAIL

EXAMINER

SMITH, R

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 03/18/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/106,841**

Applicant(s)  
**James W. Nichol**

Examiner  
**Richard M. Smith**

Group Art Unit  
**3634**



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

On page 1, line 1, "This invention relates to" should be changed to --An--. Abstract is over 250 words. It should be shortened to 250 words or less.

The disclosure is objected to because of the following informalities: On page 8, line 13, "top view" should be changed to --side view--; on page 8, line 15, "isometric perspective" should be changed to --top view--; on page 11, line 3, "amd" should be changed to --and--; and on page 11, line 6, "3" should be changed to --4--.

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the

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following is required: the “side flat beam” from claim 1, line 5 has no antecedent basis in the specification.

***Claim Rejections - 35 USC § 112***

Claims 1-14 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. Claims 1-14 can not be further examined on the merits until the deficiencies are corrected.

In claim 1, lines 6-8, it is unclear how the end bracket can “abut three sides of a lumber leg” when it appears from the drawings that it can abut only one side of a lumber leg. Examiner does not understand how a fourth side of a lumber leg can possibly be pivoting from the bracket while the other three sides abut the bracket; in claim 1, line 11, “the side beams” lack proper antecedent basis, only “a side flat beam” is claimed in line 5; in claim 1, lines 11-12 and claim 8, line 15, the “inward facing lumber leg pivot surface” as shown in the drawings is fixed and does not pivot at all; in claim 1, line 18, “a top surface” should be changed to --the top surface--; in claim 5, lines 2-3, “extending perpendicular along” should be changed to --, one flank each on--;

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in claim 5, line 3, "each of" should be changed to --and extending perpendicular to--; in claim 7, a "second combination of...a lumber cross-beam, and four lumber legs" is unclear since a first combination of lumber was not claimed; in claim 11, line 2 and claim 12, lines 3-4, it is unclear what the four legs of lumber are longer than; in claim 11, line 2, "," should be changed to --.--; and in claim 12, lines 3-6, it is unclear to which "lumber legs" applicant is referring.

Claims 8, 10, and 12 are method claims and should not depend from apparatus claims 1-7. In claims 8-14, using "the combination of claim" x is improper. The limitation must be stated in the claim.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 604,979 to Garrett

U.S. Patent No. 1,597,555 to Tolmie

U.S. Patent No. 1,601,946 to Dujardin

U.S. Patent No. 1,780,579 to Crowley

U.S. Patent No. 1,797,543 to Bryan

U.S. Patent No. 2,244,963 to Poll

U.S. Patent No. 2,736,614 to Brewster, Jr.

U.S. Patent No. 4,192,406 to Mitchell

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U.S. Patent No. 4,238,001 to Alexander

U.S. Patent No. 5,269,394 to Haroldson, Sr.

U.S. Patent No. 5,364,312 to Cunard et al.

U.S. Patent No. 5,377,780 to Dunaway

U.S. Patent No. 5,484,037 to Neumarkel

All the prior art discloses beam to leg couplers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Smith whose telephone number is (703) 305-7746. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 6:00 P.M. Eastern Time Zone. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

RMS  
Richard M. Smith  
March 1, 1999



Daniel P. Stodola  
Supervisory Patent Examiner  
Group 3600